HIGHLAND BOY MINE

Suit On Trial Involving Stock Valued at \$30,000.

CAVANAUGH vs. SALISBURY

DECISION REGARDING STATUTE OF LIMITATIONS.

September Term of the State Supreme Court Opened Yesterday-Motion to Dissolve Attachments On Farnsworth's Property Overruled By Judge Marshall.

Judge Hiles was yesterday engaged in the irial of the case of Stephen Hays, as guardian of the estate of Saruh Effe Cavanaugh, a minor, va. O. J. Salisbury, Monroe Salisbury and Kestherine C. Belcher, administrarys of the estate of John T. Gilmer, deceased.

Judge Hendrson and Frank Hoffman appeared for the polantif, W. H. Dickson and W. C. Hall for the defendants Salisbury, Judge Harkness for Mra. Belcher and F. L. Williams as the personal representative of Mrs. Gilmer, widow of J. T. Gilmer.

The plantiff, Mrs. Cavanaugh, since the filing of the suit in October, 1907, more than 1907 and the suit is quite an important one invoiving as it does 1908 shares of the capital stock of the Highland Boy Valued at \$50,000. In the complaint it is alleged that on March 4, 1803, J. T. Gilmer, O. J. Salisbury and Monroe Salisbury associated lorgether under the firm name of Gilmer, Salisbury & Co., walked at \$50,000. In the complaint it is alleged that on March 4, 1803, J. T. Gilmer, O. J. Salisbury and Monroe Salisbury associated lorgether under the firm name of Gilmer, Salisbury and Monroe Salisbury associated lorgether under the firm mane of Gilmer, Salisbury and Monroe Salisbury associated to greate the firm mane of Gilmer, Salisbury and Monroe Salisbury associated to greate the firm of the capital stock of the Highland Boy Mining contract sciling to Michael Cavanaugh hole histolication of the capital stock of the Highland Boy man and the should derive dividends and benefits, in proportion to his holding the same as the other members of the pool.

The fellow and that he should derive dividends and benefits, in proportion to his holding the same as the other members of the pool.

The fellow alloced that no part of the first Mondry in Cavanaugh and that he should derive dividends and benefits, in proportion to his holding the same as the other members of the pool.

The fellow alloced that no part of the first Mondry in Cavanaugh died in November, 1821, leaving his dangiter such as the country of the first Mondry in the fir

STATUTE OF LIMITATIONS.

Important Decision Rendered By Judge Cherry.

e of B. K. Bloch & Co. vs. C.

The case of B. K. Bloch & Co. vs. C. Bonetit came up before Judge Cherry yesterday on appeal from a judgment delivered by Justice Stewart some months ago, in which the issues were found for the defendant.

The plaintiffs sued to receiver \$125 and interest, making a total of about \$100. for goods soid and delivered. The defendants among other things pleaded the statute of limitations, the account being more than two years old.

The plaintiffs claimed that chapter I, session laws of 1807, extending the time for open accounts to outlaw to four years, revived a claim against which the full term of the old statute of limitations had run.

Judge Cherry decided the case the Same way as the fusition of the peace had done, finding that the new statute did not revive the debt, and indgment was entered for the defendant.

Mesers Krebs and Hoppaugh represented the plaintiffs and Mr. Wiley Brown was for the defendant, Bonett. The case is of considerable importance, front the fact that it was made a test case, and the law is now haid down for a great many similar cases.

STATE SUPREME COURT.

STATE SUPREME COURT.

September Term Opened Yesterday With a Full Bench.

The September term of the supreme court opened yesterday morning, with Chief Justice Zane and Justices Bartch

court opened yesterday morning, with Chief Justice Zane and Justices Bartch and Miner on the bench. The 62 cases on the calendar were set for argument at the rate of three cases a day, omitting Saturdays.

The case of the state of Utah ve. Isseph W. Hafford, appellant, was argued and takeh under advisement. The defendant was convicted in the court below of the crime of rape and was sentenced to five years' imprisonment in the state prison. The crime was alleged to have been committed on Many 27, 1957, in Box Elder county. The victim was Maria X. Landon, a married woman. The appeal was based on all mastree tions of the court to the jury.

The other two cases were continued, viz. Sinte vs. Obsen and states and wiscement.

In the cases of the Utah Optical accompany to P. J. Washer's accompany to P. J. Washer's Dyspepsia Can be cured by using a company, appellant, vs. the Park City bank et al. motion to place cause on the calendar taken under advisement.

In the cases of the Utah Optical accompany to David Keith et al. appellants; the Union Befrigarator Transit company, appellant, vs. Siephen H. Lynch, county treasurer, state of Utah ws. James T. Monk.

Joseph J. Whitaker was admitted to the bot of the supreme court, on report of the examining committee.

State of Utah vs. Hokes Olison, appellant; continued for the term.

FEDERAL COURT.

DEMOCRATIC STATE CONVENTION

At a meeting of the state personnel committee of the state is the state of the bery of the supreme court, or report of the examining committee.

State of Utah vs. Hisken Olsen, appellant; centinued for the term.

FEDERAL COURT.

Motion to Dissolve Farnsworth Attachments Overruled.

In the federal court yesterday Judge Marshall handed down a written opinion on the mation to dissolve attachment in the case of the Novach Histonian that it intrinsted large sums of money to the defendant for investment in vacious ways, and that he is sume for his own use. Plaintiff state in the case of his proton the dissolve in the same to his own use. Plaintiff shows a statechments on Farnsworth's proton was not based upon an expresse or implied contract and that according to the inws of Utah an attachment does not lossed upon an expresse or implied contract and that according to the inws of Utah an attachment does not lossed upon an express or implied contract. Second, that the obligation was not based upon an expresse or implied contract. Second, that the obligation was not about and that the contract was implied and after citing numerous such aritics.

Short Orders By Judge Marshall.

United States vs. George Buckner, indicated for mailing unmailable matter;

Indicated for mailing unmailable matter;

Salt Lake City, Aug. 6, 180.



One of the important actions by the beard of county commissioners yesterday was the adoption of a resolution, offered by Commissioner Hall, directing the county assessor and the county surveyor to inspect the tax rolls for the purpose of correcting and amplifying, wherever necessity appears, the description of property assessed. The specific purpose of the resolution is to have any inadequate or incomplete descriptions of taxable real estate corrected before the time comes for the delinquent tax sales, in order that there will be no question raised as to the validity of such sales on account of illegal descriptions in the record.

EthLing Vacancies.

cal Weather Bureau Office.

Salt Lake City, Sept. 12, 1888.

Mean duily temperature 45 degrees, departure from normal plus I degree, maximum temperatures. St degrees, minimum temperatures, 57 degrees, accumulated deficiency of temperature since first of the month, 10 degrees, accumulated deficiency of temperature since Jan I. 255 degrees, of temperature since Jan I. 255 degrees, decimalistic and him dredthy). St inches accumulated describeration of precipitation since the describeration of precipitation since the describeration of precipitation since the describeration.

Machinery Starts as Smoothly as Possible.

ENROLLMENT VERY LARGE

EXCEEDING THAT OF THE FIRST DAY OF LAST YEAR.

New High School Building Admirably Adapted to the Purpose For Which It Is Intended—Short of

NEW HIGH SCHOOL BUILDING.

Superintendent Millannigh desires a full and prompt attendance of all the teachers and principal set for both the second state of the second principals of the both set of the general meeting to be held Saturday morning at 10 o'clock in the assembly recent of the new High school building. As interesting programme has been prepared and among the exercises will be a recitation by Miss Ada Greenwood of Rochester.

BATTLESHIP CONTRACTS.

Two Firms Have Agreed to Amend Their Plans.

Washington, Sept. 12.-The navy department has arrived at what it regards as a fair and satisfactory settle-ment of the question of awarding the of the state Democratic Unah, held in Salt Lake have of August, 1885, it was a convention of delegates have of August, 1885, it was a convention of delegates have of August, 1885, it was a convention of delegates have of August, 1885, it was a convention of delegates have been created voters of the he Democratic voters of the he Democratic voters of the held of the Called to convene the hard the Democratic voters of the August 1885, it was found that for the fast ships desired the Newport News company was the lowest, Cramps next and within the limit of cost fixed by the purpose of a augusting cancer of congress of a augusting cancer of congress and the Called in lowest of the state is on the calculate of such other business of the state is on the calculate for each 180 votes hereof cass for fron, W. H. organization of the plans augustical by the bidders it was found that the only therefore in that offers one was that submitted by the bidders it was found that the only therefore in that offers one was that submitted by the bidders it was found that the only therefore in that offers one was that submitted by the bidders it was found that the only therefore in that offers one was that submitted by the bidders it was found that the only therefore have the contracts in that the only therefore have the contract in the plans augustic of the plans and the plan

Strike In Cotton Mills.

Fall River, Mass., Sept. 12.—The weavers of Borden City cotton mills

LETTERS FROM MANILA

CAPTAIN GRANT TELLS OF THE first buttle. NIGHT ATTACK.

Cheers For the Utah Boys When Their Guns Opened On the Enemy -H. W. Wyne's Version.

Yesterday morning General Greene rdered me to take two of my guns up of the entrenchments and place them. Captain Young also took up two of his. We worked hard all day, building great mounds of earth in front, and leaving emorasures to fire through.

which It is Intended—Short of Boom In the West Side, Pending Completion of the Riverside School

Completion of the Riverside School

The public schools of the city opened yesterday, after the summer vacation, and thousands of pupils, verying in size from the wee little tots scarzely larger than a coffee pot, to the young men and maddens who make up a considerable portion of the upper grades and the light school were in scidence.

As anticipated, the strendance was considerably larger than on the opening day last year, and still there are more to the number who were carolled yesterday could be obtained, as the different penicipals were busy with the work of assigning pupils to places and a thousand of the school year.

Today all the principals will make a report to Superintendent Milispaugh, shool, in which in this who has been promptioned in control of the school year.

Today all the principals will make a report to Superintendent Milispaugh, shool, in the foreman, Just in If the school has been overed for works, and in ne case was this ideayed. When we first Colorado and the two work in most of the buildings rectained were going on in the forenaon, Just in If the school had been overed from the single pupils to places and a chool, in the first california were on the road in which the work of the buildings rectained in the principals will make a report to Superintendent Milispaugh, shool, and the make the market in getting to cook, in most of the buildings rectained in the principal will make a received the market in getting to work. In most of the buildings rectained in the school year in the first Colorado and the thing in the promptions.

When we first curred out we filled our the first curred out w

were roady to go. In about 20 minutes along came Major Thebaker, the inspector general, and he wanted to know if we were ready to go. I said, "Yes, I had been for some time." Well, we stood around for about two and a half hours and listened to the battle. Then we could hear the cheering from the left of the line, that we heard afterwards came when the company of the Third artillery armed as infantry, came in behind our guns with modern rifles and full cartridge belts, and this at a time when the Tenth Fennsylvania's helts were about empty.

The Spanlards thought that we had just thrown up light entrenchments, and, not being strong, they would just come in in the night and capture the whole outfit. But they were too late by 24 hours, and when our men cut their fuses down at zero and turned loose on them they thought they had regular army officer who was watching the Spanish attack said that when one of our shrappel would burst he could see their ranks cleared away and they they would close in and come on again.

Just think of it: For two hours our

again.
Just think of it! For two hours of Just think of it! For two hours our men stood at their guns, tore off their shirts to swab out the guns when they were hot; when some timber and earth was knocked into the embrasures they went outside and cleared it away in a perfect hail of bullets. Hudson, one of my men, had his back burned by a shell bursting, and a shell went into the embankment I had built to protect my ammunition, and only two men were embankment I had built to protect my ammunition, and only two men were hit by builets. Winkier had a bail go through the fleshy part of his arm, but continued to serve ammunition until the battle was over, and will be all right in a few days.

One man in Battery A had a shot hit him in the side of the stomach, make a dark stripe across his body, and he found the builet in his shirt, and money could not buy it from him.

At 2:39 a. m. our men left camp with two limbers laden with ammunition, and, I tell you, there was not one complaint from them as they lunged on through the darkness and rain and mad.

Lieutenant Crifchlow thinking that

mud.

Lieutenant Critchlow, thinking that some one might be wounded, had asked permission to go up with some men. I had quite a fight on my hands to keep them all from going, so I went up with the relief and found our guns to the mud and water and our men chilled and weit. Hot coffee was soon sent up from canno. I went to work

chilied and wet. Hot coffee was soon sent up from camp. I went to work and built platforms of oak planks that I had stolen from the quartermaster's department, and then, after waiting until daylight, I returned to camp, meeting Captain Young on the way. I spent the day in the trenches and there was very little firing going on all day. At 80 clock the Spanish trained more mins on our batterles and fired away for about an hour. Lieutenant Critchlow, who was in command, fired 22 shots at them, and then, as it was dark and he could not see where to fire, he quit. The Spanish quit also, and all was quiet for the night.

Aug. I.-Lieutenant Critchlow return

We expect the Monterey in here any day, and then the Spanish will have to do some fighting or surrender. I don't know which it will be.
When our guns opened on the Spanish advance the other evening, the Tenth Pennsylvania gave three cheers and a tiger for the battery. It sound d nice amid the cracks of the rifles and the shricks of the shells.

From the battle the other night there

U.S. CONSUL CUBA

UNITED STATES CONSULATE. SANTIAGO DE CUBA, Dec. 130, 1807.

POTTER DECO AND CHEEL CORP., BOSTON, U. S. A.

Portran Dano and China. Conf.,

Boarde, C. S. A.

Gentlemen. Whatever is the such value of the sufference between thing on earth, and a place raid to be much hotter they cobe, I am indebted to the use of your Cerneura Soar and Cerneura (distincent).

Examin is a prevalent disease on this island. I had an attack of it, and ordered a box of onide of sine outhrand. The first application emaged the Forman to bed are, which seemed anyone had a reacid corate and I was poisoned.

There specified medicine over thirty years not taken a special course in entraneous diseases under 1704, John V. Sissuanker of Phil, but I lost faith in the parity of Caban frues, as verything either falled to help in groundie or maile it worse. I called in a local physical, but he did not help matters, and I was becoming desperate, when I thought of Certecus, Rathours, and chaptered in a cake of Certecus. Rathours, and chaptered in a cake of Certecus. Rathours, and chaptered in a cake of Certecus. Rathours, and chaptered in a mile in three deep I was seed.

FULASKIT, HAATT, United String Count.

TORTURING DISFIGURING

TORTURING DISFIGURING

six dead men, and yesterday at Ip. in, they were buried in the churchyard near the camp. Doetor, or, I should say, Major Penrose did mest of the sur-sical work on the wounded from the first hattle.

From H. W. Wyne.

Homer W. Wyne, a weil-known Salt Lake boy, formerly with the Grand

the ocean.

We have alternate streaks of rain and sun, but the rain predominates and we are in itself if we hive one day in the week to dry our clothes. The soil seems very rich and the climate adaptated for growing anything in the line of regetation. Well, we have had a matinee with the Dons. The air was filled with musical strains from shot and usell.

ince with the Donx. The air was filled with musical strains from shot and shell.

They wrecked bamboos and vegetation for a change of senery for our special benefit. But when we encored them they realized that we had been at theatrical performances before. One of our boys fell a stinging sensation on his leg. Reaching around, he picked up a spent bullet, exclaiming: 'Here, boys, the Dons are sending hot trophies over here to us—too hot for me to hold.' Another one had a builet go through his shirt and creased his body. Lieutenant Gibbs had a piece cut out of his hand while moving a gun into place. The ball passed between the spoke and thumb. In the heat of the spoke and thumb. In the heat of the spoke and thumb. In the heat of the structure of the shot. He came back and changed the range of the gun and then returned trophies to the Dons. That made them yea ize, if they did not appreciate it, that there was nothing small about the Utsh boys, and that they know how to return compilments.

return compliments.
Lewey has stripped his fleet to give them the final reception, I think. They will be handled without gloves, and they will learn that our shooting is not

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Climate of Manila.

Climate of Manila.

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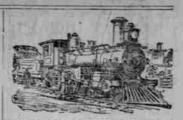
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